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TO: Mr. William Foster Chief
Regulmtlons and Procedures Division
ATTN: Notice No, 4
Alcohol and Tobacco Tax and Trade Bureau
Post Office Booc 50221
Washington, DC. 20091-0221

FROM: LANCE A. MEDICH
7075 BAPTIST ROAD
BETHEL PARK, PA 15102

DATE OCTOBER 7,2003

RE: TTB NotIcs No.4

Dear Mr. Foster:

I have been employed by Mark Anthony Brands fo the past three years. In that short period of time, I have witnessed (and have been an Integral part of) one of the greatest against all odds business success stories-ever, In our great country. America has made Its choice, and my company is considered one of the leading producers of flavored malt beverages, also referred to as FMB's. I am writing to you because my job depends on the future viability of FMBs. After reviewing the proposed legislation, I strongIy oppose TTBs proposal to limit the alcohol contilbutton from flavoring matenals in these beverage products to 0.5% alcohol by volume.'

To have an industry suddenly be required to conform to standards that are 'Inversely proportional" to the current set of standards, Is blatantly UNFAIR. It Is Un-Ametican. Where Is the compromise? I do believe that there Is a middle road" that should be considered. I urge TTB to adoot a majority standard that would allow less than 50% alcohol content In FMB's to come from flavoring materials.

To this point, the TTB has allowed brewers--any brewers, big or small - the ability to produce and sell FMB's that derive a majority of thelr alcohol from flavoring materials. In three years, I do not recall any problems brought to me by any consumer concerning how we manufactured our product. Notice No. 4 claims that a 0.5% standard is necessary to prevent consumer confusion. What conftision?

In my job, I have the opportunity to work with many lndivtduais---employees of wholesalers, retailers, and consumers. Based on what I have learned from ail of them, there is little to no consumer confusion about how the FMB's derive the majority of their alcohol There Is no confusion because consumers are not concerned wIth the source of alcohol In FMB's. Rather, they select FMBs on the basis of their taste and cost, perlod.There ls an adequate leve lof understanding as to the relative alcohol content, and the alcohol content is easily readable. Personally as 8aconsumer, I do not see a problem with the current guidelines.

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Nooce No. 4 also notes that "State alcohol beverage authorities have urged TTB to establish regulatory limits on the addition of alcohol to malt beverages from flavors". While a nationally uniform standard could benefit both state regulators and the FMB Industry, why is the proposed 0.5% standard (contained in Notice No.4) the only way to accomplish this goal?

In my opinion, the move proposed in Notice No.4, will eliminate the healthy market competition that now exists. Could this be the "real" motivation behind this push for the 0.5% standard? If this is the case, then this whole effort for change is truly Un-American.

For the sake of fair play, I strongly urge TTB to adopt a rule that all companies can meet-a compromise for all that would establish derived from flavoring materials contained in an FMB in less than 50% of the product's alcohol.

This majority standard would prevent consumer confusion (if any exists); establish a nationally uniform standard that would assist the federal government and the states in regulating FMB's; and most importantly, preserve both market stability and competition.

Over the past couple of weeks, I have surveyed many consumers on this issue. As you would expect, these hard-working Americans, like myself, think that this Notice No. 4 is "just more legislation to keep the little guy from getting ahead..."

I encourage TTB to reject the proposed 0.5% standard for FMBs and to work with the FMB Industry to achieve a more reasonable and workable set of rules that can preserve, and promote this valuable product category. My livelihood depends on it...

Sincerely,

Lance A. Medich

Bethel Park, Pennsylvania